patent illustrate the decomposition of the system into tasks. FIG. 1A, in particular, is a conventional Gantt chart illustrating a display of tasks and the associated timelines.

As described in Miller column 11, lines 47-55, the "task-based approach [ ] shows the relationships between tasks, but allows for a people-centric way of looking at the tasks. Users are provided with an overview of the task, what they need to do and when, who they need to work with to complete the task and what resources are available." The reference in Miller to a "people-centric way of looking at the tasks" simply means that each person can see a list of the tasks allocated to them. This sentence is not describing or suggesting a display of people and their tasks and the interrelationships with other people and their tasks.

The text at Miller column 12, lines 35-42, goes on to provide that "users quickly identify, display and manipulate the task details they need to do their many tasks and projects... Displays of tasks to be done are presented from the personnel or team perspective of the people involved." By this statement, Miller is referring to the typical feature of project management tools whereby users can arrange task details in date order, change the dates and then update their progress. This statement refers to the task detail, and not the interrelationships of people and their tasks and their interrelationships with other people and their tasks.

Other than FIG. 1A, which is a conventional Gantt view, the Miller patent does not illustrate any other displays or provide any more details about what they look like, other than perhaps this statement at column 9, lines 4-9: the "flow chart of FIG. 6 shows how relevant tasks are displayed to relevant personnel. In many cases this display will contain tasks that may not be immediately relevant to what is being done. The display or filtering allows a person to reduce the size of a task list by setting relevant criteria. Relevant tasks may be in projects and/or in [standalone] tasks." This reference to a "task list" further emphasizes that all Miller is describing is a display where each person can see a list of the tasks allocated to them, nothing more.

With respect to the Examiner, Miller does not disclose or suggest at least one element of each independent claim, as will now be seen.

Independent claim 14

Turning first to independent claim 14, the following limitation is *absent*:

"a graphical representation component executed by the processor to graphically represent the human resource-centric data in a single display view such that each human resource is visually linked with tasks, timing and dependency data in a one-to-many relationship."

As noted above, Miller's FIG. 1A is a Gantt chart, which is just a graphical representation of the "task-time relationship" for each task in a project. (*See*, column 6, lines 26-32). There are no figures or other text in Miller that show or describe "human resource-centric data in a single display view such that each human resource is visually linked with tasks, timing and dependency data in a one-to-many relationship." The Gantt chart, the only display Miller provides, does not provide "human resource-centric data."

Moreover, and for the reasons stated above, the other cited portions relied upon by the Examiner do not meet this explicit element either. In this regard, the text at column 11, lines 47-55 just states that the Miller "task-based approach [ ] shows the relationships between tasks, but allows for a people-centric way of looking at the tasks. Users are provided with an overview of the task, what they need to do and when, who they need to work with to complete the task and what resources are available." The "people-centric way of looking at the task" is not illustrated, nor explained in any detail. As noted above, this statement just teaches that each person can see a list of tasks allocated to them; it does not mean a display of people and their tasks and the interrelationships with other people and their tasks. Under applicable legal principles, to anticipate, the claimed subject matter must not only be disclosed "clearly and unequivocally" in the reference, *In re Arkley*, 455 F.2d 586, 587 (CCPA 1972), the reference also must be enabling. *See, Impax Labs., Inc. v. Aventis Pharms. Inc.*, 545 F.3d 1312, 1314 (Fed. Cir. 2008); *see In re Paulson*, 30 F.3d 1475, 1478-1479 (Fed.Cir. 1994); and *In re LeGrice*, 301 F.2d 929, 940-44 (CCPA 1962). With respect, Miller's passing statement that the system provides a "people-centric way of looking at the task" does not meet these rigid requirements, nor does it teach the subject matter that is being claimed.

The text at Miller column 12, lines 11-13, and at lines 35-42, fares no better. The former simply states that the Miller system allows "everyone in the organization" to see a particular task (for which they have some responsibility) on their schedule. This is not what is being claimed. The text at lines 35-42, states only that "users quickly identify, display and manipulate the task details they need to do their many tasks and projects... Displays of tasks to be done are presented

from the personnel or team perspective of the people involved." As discussed above, this statement is just a reference to a conventional feature of project management tools whereby users can arrange task details and update their progress; it is not a teaching or suggestion about displaying the "human resource-centric data in a single display view such that each human resource is visually linked with tasks, timing and dependency data in a one-to-many relationship."

Miller does not anticipate independent claim 14, for at least these reasons.

Independent claim 15

The rejection here is easily addressed. The claim element at issue is the following:

"a switching application executed by the processor to switch between graphical representations of the task-centric or human resource-centric views."

As noted above, Miller only teaches the "task-centric" view (FIG. 1A). The reference does not adequately enable one of ordinary skill in the art to provide any "human resource-centric view" but, more importantly, there is no drawing, text or suggestion for providing a switch between any two such graphical representations. "[E]very limitation positively recited in a claim must be given effect in order to determine what subject matter that claim defines." *In re Wilder*, 429 F.2d 447, 450 (CCPA 1970); *See also In re Wilson*, 424 F. 2d 1382, 1385 (CCPA 1970) ("[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.").

In rejecting this claim, the Examiner once again relies upon the text at column 6, lines 26-32, which is just the Gantt chart description, and the text in column 11, lines 44-67, which only states that the "task-based approach [ ] shows the relationships between tasks, but allows for a people-centric way of looking at the tasks." There is nothing in this text that provides for two distinct views, let alone the "human resource-centric view," let alone the "switching application" to "switch" between any such views.

As noted above, to anticipate, the claimed subject matter must be disclosed "clearly and unequivocally" in the reference. *In re Arkley*, 455 F.2d 586, 587 (CCPA 1972). Moreover, anticipation is not established if, in reading a claim on something disclosed in a reference, it is necessary to pick, choose and combine various portions of the disclosure, which according to the teachings of the reference, are not directly related to each other. *Id.,* 455 F.2d at 587-88.

The prior art reference must describe every limitation in a claim either explicitly or inherently. *In re Schreiber*, 128 F.3d 1473, 1477 (Fed. Cir. 1997). Inherent anticipation, however, cannot be based on possibilities or probabilities. *Akamai Tech., Inc. v. Cable & Wireless Internet Serv., Inc.*, 344 F.3d 1186, 1192 (Fed. Cir. 2003) ("A claim limitation is inherent in the prior art only if it is necessarily present in the prior art, not merely probably or possibly present."); *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999) ("Inherent anticipation requires that the missing descriptive material is 'necessarily present,' not merely probably or possibly present, in the prior art").

The rejection does not establish that the recited "switching application" element is present explicitly or inherently in the passing reference in Miller to a "people-centric way of looking at tasks."

For at least these reasons, independent claim 15 is not anticipated.

Independent claim 16

The rejection here relies upon the same arguments (and Miller teachings) as described above with respect to independent claim 14. For at least the same reasons, and with due respect, the Examiner's contentions are overstated.

At least the following limitation is absent from Miller:

"the resource-based project management application including or interfacing with a graphical representation component executed by the processor to graphically represent the human resource-centric data in a single display view such that each human resource is visually linked with associated tasks, timing and dependency data in a one-to-many relationship."

Independent claim 16 is not anticipated for at least these reasons, as the "[a]bsence from the reference of *any* claimed element negates anticipation." *Kloster Speedsteel AB v. Crucible, Inc.*, 793 F.2d 1565, 1571 (Fed.Cir. 1986)(emphasis supplied).

Independent claim 18

The rejection here also relies upon the same arguments (and Miller teachings) as described above with respect to independent claim 14. For at least the same reasons, and with due respect once again, the Examiner's contentions are incorrect.

At least the following limitation is absent from Miller:

"a graphical representation component executed by the processor to represent <u>the human resource-centric data in a single display view such that for each human resource, project, task, timing and dependency data for that human resource across each project is collectively displayed in a one-to-many relationship relative to the human resource</u>."

Claim 18 is not anticipated.

<u>Independent claim 23</u>

For the same reasons as advanced above, this claim includes the following limitations that are neither explicitly nor necessarily disclosed by the Gantt chart in FIG. 1A and the text portions relied upon by the Examiner:

"the application including or interfacing with program code operative to instruct the programmable processor to graphically <u>represent the human resource-centric data in a single display view that, for each human resource, visually presents task, timing and dependency data for that human resource collectively displayed in a one-to-many relationship relative to the human resource</u>, the <u>dependency data for at least one human resource pointing to at least one other human resource whose task, timing and dependent data for the project is also visually presented in the single display view</u>."

As noted above, Miller's specification does not disclose or suggest a display of people and their tasks and the interrelationships with other people and their tasks. Rather, Miller just describes a display technique whereby each user can see a list of the tasks allocated to them and update their progress.

<u>Independent claim 24</u>

Finally, and once again for the same reasons as described above, this claim includes the following limitations that are neither explicitly nor necessarily disclosed by the Gantt chart in FIG. 1A and the text portions relied upon by the Examiner:

"the application including or interfacing with program code operative to instruct the programmable processor <u>to graphically represent the human resource-centric data in a single display view that, for each human resource, visually presents project, task, timing and dependency data for that human resource across each project collectively displayed in a one-to-many relationship relative to the human resource</u>, the <u>dependency data for at least one human</u>

resource pointing to at least one other human resource whose task, timing and dependent data for the project is also visually presented in the single display view."

Once again, Miller's specification does not disclose or suggest a display of people and their tasks and the interrelationships with other people and their tasks. Rather, Miller just describes a display technique whereby each user can see a list of the tasks allocated to them and update their progress.

The dependent claims

Dependent claims 19-20 and 33-36 are not anticipated either, for at least the same reasons as advanced with respect to their parent claims.

Nothing herein shall be deemed an admission regarding the Examiner's factual findings or conclusions including, without limitation, the findings and conclusions regarding each dependent claim. Nevertheless, separate arguments regarding the dependent claims are considered unnecessary at this time due to the deficiencies noted above. Applicant reserves the right to distinguish the Examiner's findings and conclusions regarding these other claims in any future communication regarding this matter.

A Notice of Allowance is requested.

Other matters

A one (1) month extension of time is submitted herewith to extend the response deadline through July 17, 2011.

If any other fees are due, please charge Deposit Account 50-4001 in the undersigned's name.

Consideration and favorable action are requested at the Examiner's convenience.

Respectfully submitted,

/David H. Judson/

By: _____
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ATTORNEYS FOR APPLICANT

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